

Attorney's Docket No. 35718/234631(5718-139)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Bao et al.
Appl No.: 09/923,844
Filed: August 7, 2001
For: SCLEROTINIA-INDUCIBLE GENES AND PROMOTERS AND THEIR USES

December 21, 2001

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

*COPY OF PAPERS
ORIGINALLY FILED*

**RESPONSE TO NOTICE TO
FILE MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Application dated October 22, 2001, enclosed are the following:

- Part 2 of Formalities Letter or Form PTO-1533
(Notice to File Missing Parts of Application)
- Declaration and Power of Attorney for the above-identified application which has been executed by the named inventor(s)
- Applicant claims small entity status
- Check in the amount of \$130 to cover the filing fee of _____ and the _____ surcharge under 37 C.F.R. § 1.16(e)
- English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- Other: Response to Notice to Comply with Sequence Requirements; Copy of Raw Sequence Listing Error Report; CRF Sequence

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

Kathryn L. Coulter

Kathryn L. Coulter
Registration No. 45,889

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on December 21, 2001.

Nora C. Martinez
Nora C. Martinez

Attorney's Docket No. 35718 234631(5718-139)



PATENT
COPY OF DOCUMENTS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Bao et al. Confirmation No.: 2024
Appl. No.: 09/923,844 Group Art Unit: 1635
Filed: August 7, 2001 Examiner: Not Assigned
For: SCLEROTINIA-INDUCIBLE GENES AND
PROMOTERS AND THEIR USES

December 21, 2001

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated October 22, 2001, please replace the computer-readable form as originally filed in the present application with the substitute computer-readable form submitted concurrently herewith.

The computer-readable form as originally filed contained formatting errors. These errors have been corrected on the substitute computer-readable form of the sequence listing. No new matter has been added by way of this substitution.

I hereby state that the substitute copy of the computer-readable form, submitted in accordance with 37 C.F.R. §1.825(b), is the same as the paper sequence listing filed on August 7, 2001.

Respectfully submitted,

Kathryn L. Coulter
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CERTIFICATE OF MAILING

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Nora C. Martinez
Nora C. Martinez

JAN 13 2002

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RAW SEQUENCE LISTING ERROR REPORT

BIOTECHNOLOGY
SYSTEMS
BRANCH



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/923,844

Source: OPE

Date Processed by STIC: 8/16/2001

(COPY OF PRINTERS
ORIGINALLY FILED)

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 3.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

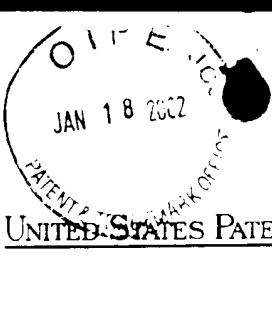
The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20591-0000
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/923,844	08/07/2001	Zhongmeng Bao	35718-234631(5718-139)

CONFIRMATION NO. 2024

00826
ALSTON & BIRD LLP
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FORMALITIES LETTER



OC000000006941869

COPY OF PAPERS
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Date Mailed: 10/22/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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